



LEXINGTON PLANNING BOARD
1625 MASSACHUSETTS AVENUE, LEXINGTON, MA

MEMBERS OF THE PLANNING BOARD:

ROBERT CREECH, CHAIR — ROBERT PETERS, VICE-CHAIR — GINNA JOHNSON, CLERK — RICHARD CANALE — CHARLES HORNIG —
MICHAEL LEON, ASSOCIATE MEMBER

**DECISION OF THE LEXINGTON PLANNING BOARD
ON A SPECIAL PERMIT RESIDENTIAL DEVELOPMENT, SITE SENSITIVE
THE PROPERTY LOCATED AT 53 HANCOCK STREET
DECISION DATED JULY 29, 2020**

General Property Information

Property Address: 53 Hancock Street

Assessor's Information: Map 63, Lot 74 (Parcel ID: 63-74)

Zoning District: RS – One Family Dwelling

Application Information

Application(s): Special Permit Residential Development, Site Sensitive

Date application(s) were filed with the Town Clerk: March 6, 2020

Development Review Team (DRT) Meeting: March 9, 2020

General Project Contact Information

Property Owner and Applicant Name and Address: Max Schechner as Trustee of the Hancock & Hayes Realty Trust, 83 Bonad Road, West Newton, Massachusetts

Project Contact and Civil Engineer: Frederick W. Russell, PE (Mass. Registration #36713), 154 Aldrich Road, Willington, MA

Project Attorney: Ranen S. Schechner, Esq., Law Office of Ranen S. Schechner, 10 Cedar Street, Woburn, MA

Land Surveyor: James R. Keenan (Mass. Registration #30751), Keenan Survey, 8 Winchester Place, Winchester, MA

Landscape Architect: Erik Bednarek (Mass. Registration #1508), EJB Designs, LLC, PO Box 739, Mansfield, MA

Public Hearing Information

Date legal ad was published in the Minuteman Newspaper: February 27, 2020 and March 5, 2020

Date of opening public hearing: March 18, 2020

Dates of continued public hearings: March 25, April 15, June 10, July 8, July 29, 2020

Project Site Plan Information

Date of Plan: January 31, 2020, revised through July 20, 2020

Project Description

The project is located at 53 Hancock Street, includes the preservation of one existing historic structure on site, along with the construction of two (2) new residential dwelling structures. The property is approximately 1.08 acres, with frontage on both Hancock Street and Hayes Avenue. The property was previously divided through the Approval Not Required process, which created three conforming lots.

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However, the Applicant in efforts to preserve the historic structure has submitted an application for a Special Permit Residential Development, Site Sensitive project that would allow an increase in total gross floor area, total site coverage, and total impervious coverage while preserving the façade of the existing structure at 53 Hancock Street.

Public Hearing

The Lexington Planning Board held its opening public hearing for the project located at 53 Hancock Street on March 18, 2020 (continued without testimony), March 25, 2020, April 15, 2020, June 10, 2020, July 8, 2020, and July 29, 2020. Planning Board members present throughout the public hearing were: Robert Creech, Chair; Charles Hornig; Robert Peters; Richard Canale; and Ginna Johnson. During the course of the public hearing process, the following individuals appeared on behalf of the Applicant: Attorney Ranen Schechner; Jason Brickman, Applicant; Fred Russell, P.E.; Erik Bednarek (Landscape Architect); Dustin Nolan (Architect)

Summary of Minutes

On March 18, 2020, the Planning Board opened the public hearing, read the legal ad into the record, and then continued the public hearing to March 25, 2020, without testimony. On March 25, 2020, after the Planning Board opened the public hearing testimony was heard from the Applicant's project team.

Attorney Schechner provided a review of the background as to why a site sensitive project application was submitted for the property at 53 Hancock Street.

Mr. Russell provided a review of the project, which included a review of existing conditions, a review of the Approval Not Required (ANR) plan, layout of the proposed lots, lot coverage and gross floor area allowed, creation of a driveways or roadway dependent upon which option is chooses, stormwater mitigation and collection of roof runoff, reduction of impervious lot coverage, in addition to a list of all relief or waivers requested.

Mr. Bednarek provided a review of the proposed landscape plan.

Mr. Russell provided a review of the project's utility plan, noting that all utilities will be brought to Hancock Street. The project team has been and will remain in contact with the Department of Public Works (DPW) as the project progresses. It was noted that the property does share a common sewer connection with the abutting lot, on which they are conducting research.

Mr. Brickman provided a review of the alternative site plan that would allow for the preservation of the existing historical structure.

On April 15, 2020, the Applicant's project team provided the following testimony.

Attorney Schechner provided a brief update to the Planning Board relative to the application currently under review and the potential for the Applicant to redevelop the property as a Public Benefit Development. Attorney Schechner noted that formal plans have not been prepared nor has a new application, but rather the project team is looking for feedback from the Planning Board.

Mr. Brickman spoke to the Planning Board relative to the conceptual design for the Public Benefit Development. In addition to introducing the nine (9) unit Public Benefit Housing concept, Mr. Brickman said that the housing situation had changed recently and that he was looking for an approach other than the Site Sensitive Development (SSD) proposal. Nevertheless, he did not want to withdraw the SSD plan at this time and requested that it be continued to June 10. Mr. Russell provided a brief review of a Public Benefit Development site layout.

On June 10, 2020, the Applicant's project team provided the following testimony.

Mr. Brickman provided a review of their efforts to save the existing house, along with the proposed project.

Mr. Russell provided a review of the Site Sensitive Plan for 53 Hancock Street, which included a review of the site circulation, access to the structure, drainage, utilities.

Mr. Bednarek provided a review of the Landscape Plan for the project at 53 Hancock Street.

On March 25, 2020, members of the Planning Board provided the following comments.

- Robert Creech requested clarification relative to the alternative site plan that was provided to the Planning Department. Mr. Brickman provided clarification regarding the alternative site plan, in addition to what would need to occur for such plan to be utilized. Mr. Creech stated that he could not get beyond razing the historic house, noting that the alternative site plan is much more attractive and appealing.
- Charles Hornig stated that the intent of the project should be to preserve the existing house. Mr. Hornig recommended that the Applicant consider modelling the project after 110 Shade Street. Mr. Hornig requested clarification that preservation was still an option on the table for consideration. Mr. Hornig requested clarification as to whether it would be acceptable for the Planning Board to require in their decision a preservation restriction on the existing historic structure. Mr. Hornig stated that the plan appears to remove the existing structure and replace it with new smaller houses. Mr. Hornig referenced the easement and whether there had been any discussion with the neighbor. Mr. Hornig questioned if there was a way to move this project forward or not with the alternative design and preserve the existing structure.
- Ginna Johnson referenced Section 6.9.1 of the Lexington Zoning Bylaw, relative to the purpose of providing a detailed review of the intention, which is site plan review. Ms. Johnson stated that the plans as presented would not receive her vote. Ms. Johnson strongly encouraged the developer to advance the alternative site plans which were recently submitted. Ms. Johnson noted that the plan does not reflect the historical nature of the area or Lexington. It was recommended that the landscape plan be revised to reflect the history of the neighborhood and the area. Ms. Johnson stated that landscaping needs to be revised to include only native plantings and also be consistent with the neighborhood.
- Richard Canale stated that he concurred with the comments made by both Mr. Hornig and Ms. Johnson. Mr. Canale referenced a previously approved Approval Not Required (ANR) Plan of

Land, and whether the lots were indeed buildable. Mr. Canale referenced the ability to save a historic structure in the Lexington Zoning Bylaw. It was encouraged for the Planning Board to continue this meeting since there appears to be a lot of merit to salvage the historic structure, through an alternative plan. Mr. Canale stated that it is up to the Applicant to come back with a plan that the Planning Board can take seriously.

- Robert Peters understood that the project meets the Town's standards, but also concurred with the comments made by Mr. Hornig and Ms. Johnson.

On April 15, 2020, members of the Planning Board provided the following comments.

- Robert Creech let the Applicant know that a new application for a Public Benefit Development project can always be submitted. Mr. Creech stated that the Board was looking for a way to preserve the historic home and an acceptable compromise was being sought. He also pointed out that Board members had said that the Balanced Housing concept shown tonight was probably too dense for this site.
- Charles Hornig stated that he feels the site is better suited for a Public Benefit Development, rather than a Site Sensitive Development project.
- Richard Canale stated that the Applicant needs to preserve the mansion. Mr. Canale provided input relative to the potential of a Public Benefit Development project. Mr. Canale provided input relative to the Site Sensitive Development application, which requires no affordable units, while the Public Benefit Development would require one (1) affordable unit. Mr. Canale noted that a balanced housing project with five (5) or six (6) units would seem to be the maximum without the benefit. Mr. Canale requested clarification regarding the proposed three (3) units in the existing mansion. Mr. Canale stated that the project would need to meet the standards of the Bylaw but would like to see the mansion saved.
- Ms. Johnson requested clarification as to whether the review of a Public Benefit Development conceptual plan was a violation of open meeting law. Ms. Johnson provided insight relative to the proposed conceptual plans, the concerns of over at least eighteen (18) vehicles on the property, which far exceeds what was proposed for developing the parcel, the need for the project to fit in with the character of the neighborhood, and an in-depth review of the proposed landscaping. Ms. Johnson provided a review of two (2) sketches attached in the Planning Board Meeting Agenda Packet for this meeting that she had prepared as to potential site layout options. Ms. Johnson requested that a covenant be placed on the existing structure to ensure that it would be preserved.

On June 10, 2020, members of the Planning Board provided the following comments.

- Richard Canale requested clarification regarding historic preservation of the existing house. Mr. Canale requested clarification regarding the regrading to the height of the structure and the total number of stories.
- Charles Hornig requested clarification as to whether the Fire Department provided comments regarding the access to the property. Mr. Hornig provided a review of the project review, which included saving the house.
- Ginna Johnson stated her appreciation for the house being preserved, but now needs to focus on the preservation of the neighborhood character. Ms. Johnson stated her concerns regarding

the large scale of the proposed dwellings, the height of the house over Hancock, and impacts to the view of Hancock Street and Hayes Avenue as seen from the Hancock Clarke House. Ms. Johnson requested the grade of the property around the house to better understand the height of the structure.

- Robert Peters stated that he was pleased to see the preservation of the historic house. Mr. Peters stated that he shared Ms. Johnson's concerns regarding the massing of the houses. Mr. Canale stated that the revisions are worth pursuing, but there can be modifications as to accommodate what is being asked for. Mr. Canale requested clarification regarding a conventional subdivision with the existing house or the appearance of the existing house.
- Robert Creech stated that he is familiar with the Applicant's architectural style. Mr. Creech questioned how the project would look relative to architecture. Mr. Brickman provided a review of the architectural plans for Site Sensitive Layout, 53 Hancock Street, Lexington, MA, dated June 2, 2020. Mr. Creech stated that the applicant was receiving positive comment and to proceed to the next phase of design.

On March 25, April 15, June 10, July 8, July 29, 2020 the Planning Board opened the floor for public comments. Public comments were received on March 25, April 15, June 10, 2020, July 8, and July 29, 2020. All comments can be reviewed on the video stream capture of the public hearing and the associated meeting minutes.

FINDINGS

During the course of the public hearing process, the Planning Board took under advisement all information received from various municipal departments in addition to comments received during the Development Review Team (DRT) meeting; comments made by members of the public; in addition to information submitted by the Applicant. The Planning Board arrived at this Decision based on the Special Permit Residential Development Zoning Bylaws and makes the following findings specifically for the project at 53 Hancock Street.

A. Property and Neighborhood Characteristics

- a. The property located at 53 Hancock Street is 1.08 acres of land.
- b. The property is located within the One-family Residential (RS) Zoning District north of the Hancock-Clarke Historic District. Abutting properties that are predominately single family.
- c. The property containing woods and lawn and an existing single-family dwelling.
- d. The property is presently improved with an existing 10,943sf residential structure that was constructed in 1840, along with a small newer garage. The Applicant under the Site Sensitive Application proposed to preserve the existing historic structure.
- e. The frontage of the property on Hancock Street is heavily wooded with both mature trees and underbrush, creating a thick screen buffering the property from the roadway.

An existing granite stone wall varying in height is located along the property frontage as well.

- f. The frontage along Hayes Avenue includes a well-developed buffer including trees and underbrush hiding the existing structure from the roadway.
- g. The project includes the creation of three (3) lots of 16,228sf (Lot 4), 17,492sf (Lot 5), and 13,387sf (Lot 6) lots.
- h. The property was previously divided into three (3) lots through an Approval Not Required (ANR) endorsement process on November 20, 2019. Such endorsement created three (3) irregular shaped lots, that would require the razing of the existing historic structure,
- i. The proposed structures have side setbacks of at least fifteen (15) feet, and front setbacks of at least thirty (30) feet, with the exception of Lot Six where the most eastern part of the structure is ten (10) feet from the lot line and Lot Four where the proposed garage is nine (9) feet from the lot line.
- j. To provide for the preservation of the existing historic structure. The Applicant has requested an increase in Site Coverage, Total Impervious Surface Coverage, and Total Gross Floor Area (GFA).

	Maximum Allowed per Section 6.9	Requested	Proposed Increase
Site Coverage	7,066 sq.ft.	10,126 sq. ft.	3,060 sq. ft.
Impervious Surface Coverage	9,421 sq.ft.	18,180 sq. ft.	8,759 sq. ft.
Total Gross Floor Area (GFA)	21,188 sq.ft	26,143 sq. ft.	4,955 sq. ft.

- k. The table below compares the allowed GFA for the lots created through the endorsed ANR Plan of Land compared to the requested GFA.

	Lot 6	Lot 5	Lot 4
Allowed under Section 4.4 per proposed ANR lot size	7,037 sq.ft	7,056 sq.ft	7,095 sq. ft.
Requested GFA	7,600 sq.ft	7,600 sq.ft	10,943 sq.ft.

B. Traffic and Parking

- a. The property has frontage on Hancock Street and Hayes Avenue. The Applicant proposes to construct a common driveway from Hayes Avenue, which would be utilized by the three dwelling units.
- b. The driveway has been designed to have a fifty-four (54) foot wide curb cut apron, and be fourteen (14) feet wide.
- c. The driveway on Hayes Avenue has been designed by the Applicant and reviewed by the Lexington Fire Department. The Fire Department has found access to be acceptable based on their largest apparatus that would be required to service the site.
- d. Along the property frontage on Hancock Street, there is a public sidewalk. If the Applicant damages the sidewalk the, Applicant understands that it is their responsibility to repair the sidewalk.
- e. Each structure will have a two (2) vehicle garage.
- f. The Applicant understands that the maintenance of the proposed common driveway, in addition to snow removal, will be their responsibility until a Homeowners Association is established and taken over by the residents of the project.

C. Dwelling Unit Count.

- a. The Applicant proposes to construct two (2) residential units and preserve the existing residential unit for a total of three (3) residential units.

D. Historic Restrictive Covenant

- a. The Applicant has agreed to preserve the exterior of the existing primary structure at 53 Hancock Street ("Restricted Building") by entering into a preservation restriction with the Town acting by and through the Town's Historical Commission.

E. Stormwater and Environmental Impact

- a. The project has been designed to offset the proposed increase in impervious cover, with the installation of downspouts and roof drains for all of the residential dwellings and garages. The downspouts and roof drains will be connected to three (3) infiltration systems that have been designed for the 100-year storm event.
- b. All installation and maintenance of erosion control barriers will be conducted in accordance with Best Management Practices (BMP) and on a regular basis.
- c. The Applicant proposes a stormwater management system that meets some of the requirements the stormwater regulations. The applicant maintains that the area of disturbance is less than the one acre, not requiring an above threshold stormwater permit. As such the permit would consist of only erosion controls.
- d. The property does not contain wetlands, associated wetland buffers, and is not within a five-hundred (500) year flood plain.

- e. The Property does not contain any Priority Habitat or Rare Species or Estimated Habitats of Rare Wildlife located on or adjacent to the property.
- f. The Property does not contain any vernal pools on or within one-hundred (100) feet of the property.
- g. The Applicant has developed a Stormwater Operation & Maintenance Plan, dated January 31, 2020 for the Project, which will be complied with throughout construction and post-occupancy.

F. Utilities

- a. The property is presently connected to both municipal water and sewer.
- b. All utilities will be located underground.

G. Landscaping

- a. The Applicant has prepared a landscape plan that complies with the requirements of the Planning Board's requests during the public hearing process.
- b. The Project is considered major construction under the Tree Bylaw and is subject to its provisions.

CONDITIONS OF APPROVAL

The Planning Board finds that the Application and Site Plans submitted by the Applicant comply with all applicable provisions of Lexington's Zoning Bylaw and applicable regulations, relevant to this review, except those waived by the Planning Board during the public review of the project. Accordingly, the Planning Board votes to approve the plan subject to the following conditions:

A. General Provisions.

1. This approval is limited to the three (3) residential units as shown on the site plan entitled "Site Sensitive Layout, 53 Hancock Street in Lexington, Massachusetts" dated January 31, 2020, revised through July 20, 2020.
2. The Applicant shall record this Decision with any exhibit(s) with the Middlesex South Registry of Deeds prior to the commencement of authorized site activity and shall submit proof of recording to the Planning Board. Failure to record this Decision prior to the commencement of authorized site activity shall result in rescission of this Decision.
3. The Property Rights and Dimensional Standards Plan, revised to show all necessary easements shall be endorsed by the Planning Board and recorded at the South Middlesex Registry of Deeds. A mylar copy of the recorded plans bearing the date of recording and the book and age number shall be delivered to the Planning Department before any building permits are issued.
4. The historic restrictive Covenant shall be endorsed by the Planning Board and recorded at the South Middlesex Registry of Deeds. A copy of the recorded document bearing the date of

recording and the book and age number shall be delivered to the Planning Department before any building permits are issued.

5. In the event that the permit is not exercised nor substantial use thereof has not commenced from three (3) years of the date of recording, except for good cause as determined by the Planning Board, the permit shall be deemed null and void.
6. A copy of this Decision shall be kept on the Site in a location that is highly visible and accessible during construction.
7. All construction activities relative to this decision shall comply in all respects to all applicable Zoning Bylaw, Planning Board Zoning Regulations, and other municipal requirements unless specifically waived by a vote of the Planning Board and recorded in writing.
8. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board, or their designee. Any request for a material modification of this approval shall be made in writing to the Planning Office for review and approval by the Planning Board, or their designee and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation. Upon receipt of such a request, the Planning Office may, in the first instance, make a determination in writing authorizing a minor modification to the site plans, or the Planning Director may refer the matter to the Planning Board, which may consider and approve minor modifications at a regularly scheduled Planning Board meeting. In the event the Planning Board determines the change is major in nature (e.g., resulting in material changes, newly identified impacts, etc.), the Planning Board shall consider the modification at a noticed public hearing.
9. Any work in the Hancock Street or Hayes Avenue right-of way and utility work is subject to the Department of Public Works Rules and Regulations. Members or agents of the Planning Board shall have the right, with prior notice to Applicant, to enter the site and to gather all information, measurements, photographs, or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
10. Hours of exterior construction are limited to 7:00 AM - 5:30 PM Monday through Friday and 8:00 AM - 4:00 PM on Saturday. Absent emergency conditions, no construction is permitted on Sunday or the following holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas Day – or following Monday when the holiday falls on a weekend). No equipment on-site shall be started and allowed to warm up prior the start of the allowed construction hours or hours outlined in the Lexington Noise Control Bylaw. No vehicles are to arrive at the construction Site before the designated construction hours, which includes no vehicle parking, standing or idling on adjacent public streets. Oversized deliveries of construction materials shall occur before or after peak traffic hours.

B. Site Preparation and Pre-Construction

11. A minimum of fourteen (14) days prior to the commencing construction the Applicant or designee shall contact the Planning Department Office to schedule a pre-construction meeting.
12. At the pre-construction meeting, the project team shall provide the name, address, and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached twenty-four (24) hours a day, seven days a week. In the event project management changes, all new contact information shall be submitted to the Planning Board within (24) twenty-four hours.

C. Construction and Site Development

13. The limits of clearing of land or grading for the installation of any improvements relative to the project, including, but not limited to the driveways, stormwater management system, and utilities, shall be the limits of the grading shown on the site plans. Prior to any clearing of the land, the limits of such clearing and grading as shown on the approved plan shall be clearly marked in the field and shall remain in place until the completion of the project construction.
14. The Applicant shall perform daily cleanup of construction debris, including soil on municipal streets within two-hundred (200) yards from the entrance of the site driveways caused by construction relative to the project.
15. During construction and land disturbance activities, soil erosion and sedimentation to watercourses and water bodies or wetlands will be minimized by an active program meeting the requirements of the Department of Environmental Protection Best Management Practices, and shall be in accordance to the Department of Public Works stormwater permit and the Conservation Commission.

D. Covenants, Deeds, Easements

16. All covenants, deeds, easements and Home owners association documents shall be prepared for review and approval by the Town. Upon approval of the Town, the applicant shall file the appropriate deeds and easements with Middlesex South District Registry of Deeds or Middlesex South Registry District of the Land Court. Proof of such recording shall be provided to the Planning Department, which includes the date of recording, along with the book and page number.
17. All covenants, deeds, and easements and Homeowners association documents shall be recorded with the Registry of Deeds prior to the issuance of the first Certificate of Occupancy.
18. All deeds shall reference this Decision, and Operational and Maintenance Plan and Homeowners Association Documents.

E. Environment

19. The limits of work shall be shown on the site construction plan confirming that the area of disturbance is less than one acre; then staked and surveyed in the field.
20. The Project shall meet the Town's stormwater requirements.

21. All stormwater and erosion control management shall be checked prior to the start and finish of each workday.
22. The Applicant shall check all stormwater features prior to and at the end of each construction day. In the event a multiple day storm event occurs, the project manager shall check on the stormwater features to ensure they are functioning properly and have not exceeded their capacity. Any repairs, adjustments, or deficiencies shall be made immediately.
23. The Applicant shall provide appropriate erosion control methods such as silt fences and straw wattle/organic hessian fabric burlap filled with compost around the stockpiles in case of a storm event, in addition to the temporary dust control requirements.
24. The use of hay bales shall be prohibited on-site.
25. The Applicant shall provide straw wattle/organic hessian fabric burlap filled with compost and other erosion control methods at the base of the driveway during off-construction hours to prevent runoff and erosion from getting onto the public way.
26. The Applicant shall comply with the Stormwater Operations & Maintenance Plan, 53 Hancock Street, Site Sensitive Development, Stormwater Operation & Maintenance Plan as submitted to the Planning Board and reviewed by the Engineering Division, and updated as requested by the Engineering Division.
27. The limits of work shall be shown on the site construction plan confirming that the area of disturbance is less than one acre; then staked and surveyed in the field. Such amendments shall be shown on a site plan prior to the issuance of a building permit.
28. Prior to the issuance of a building permit, the Applicant shall submit stormwater calculations to the Engineering Division for review and approval.
29. No permanent lighting fixtures aimed above horizontal shall be maintained within 24' of Hancock Street or 31' from Hayes Avenue.

F. Snow Storage

30. Snow storage shall not obstruct sight lines to preserve public safety or interfere with site circulation. Snow Storage shall be on the Applicant's property and not in the Hancock Street or Hayes Avenue rights of way.

G. Request for a Certificate of Occupancy.

31. A minimum of fourteen (14) days prior to a request for a Certificate of Occupancy, the Applicant and/or designee shall contact the Planning Department Office to schedule a conformance review meeting. Delay in such action may result in the delay of the Planning Department signing off on a Certificate of Occupancy.
32. Prior to the issuance of the Certificate of Occupancy for the Project, the Applicant shall install permanent bounds, monuments, or markers that have been physically installed by a Land Surveyor registered in the Commonwealth of Massachusetts and reviewed by the Department of Public Works. Said Land Surveyor registered in the Commonwealth of Massachusetts shall provide a written summary regarding the installation of all permanent bounds, monuments, or markers, along with a site plan showing the exact location of each permanent bound,

monument, or marker. The permanent bounds and monuments shall be installed according to the Planning Boards Subdivision Regulations.

H. Establishment of a Homeowner's Association or Trust/Maintenance Obligation

33. Prior to the issuance of a Certificate of Occupancy, the Applicant shall establish a Homeowner's Association or Trust, such documentation shall be recorded such document with the Middlesex South District Registry of Deeds, which shall be approved as to form and content by both the Planning Board and Town Counsel, for the purposes of the operation and maintenance in perpetuity of the portion of the driveway within the driveway easement.

I. Fire Protection/Blasting Protocol

34. When blasting is required, the Applicant shall comply with the Massachusetts Comprehensive Fire Code: 527 CMR 1.00 et. seq.

J. Roadway and Public Infrastructure

35. With respect to the common driveway that is subject to an easement, the Applicant or Homeowners Corporation/Trust shall remain responsible for the plowing of snow, maintenance, infrastructure within or under the proposed roadway, and all surface and subsurface storm drains and infrastructure through, or under the roadway.
36. The proposed roadway/driveway within the property of 53 Hancock Street shall remain private in perpetuity.
37. The Applicant shall identify and locate all electric and telecommunications utilities on the site plan. All utilities will be located underground. Electric and telecommunications services will be extended underground to service the project.
38. The Applicant should show the location and depth of the underground utilities water and sewer for the existing home prior to the issuance of a Building Permit.
39. The existing sewer line is shared with the property located at 55 Hancock Street. The Applicant should provide information as to the location and documentation of the sharing of such utilities. Due to the age of these pipes, the Applicant shall video the existing sewer line and provide such information to the Department of Public Works, prior to being allowed to tie into the Town of Lexington's sewer system.

K. Historic Structure

40. The Applicant shall preserve the exterior of the existing primary structure at 53 Hancock Street ("Restricted Building") and enter into a preservation restriction with the Town acting by and through the Town's Historical Commission. The Applicant shall not record the revised subdivision plan with the Land Court Department of the Middlesex Registry of Deeds until the preservation restriction has been approved by the Town of Lexington acting by and through its Historical Commission.
41. The preservation restriction granted by Applicant to the Town shall be solely on the exterior portions of the Restricted Building, which house is shown on Lot 4 of the "Site Sensitive Layout,

53 Hancock Street" dated January 31, 2020 and revised July 20, 2020, prepared by Keenan Survey and Frederick Russell, Jr.

42. The preservation restriction excludes:

- a. from the interior plane of the exterior walls inward;
- b. other portions of the property, whether improved or unimproved (including without limitation, garden and landscaping walls, fences, patios, driveways, walkways, paths and steps), and any other land appearing on the Site Sensitive Plan;
- c. any other structure, including without limitation, the existing garage on the property and any new garage which may be constructed as approved by the Planning Board of Lexington.

43. The Applicant is authorized after receiving necessary approvals from the Building Department to tear down the existing three car garage serving the structure at 53 Hancock Street.

L. Landscaping

- 44. The Applicant shall install the landscaping according to the landscape plan, including fence and wall heights and locations, as revised at the July 29, 2020 public hearing. The fence shall be constructed of white cedar and the retaining wall shall be constructed of gray granite to match the existing retaining wall along Hancock Street.
- 45. The Applicant shall provide a tree mitigation proposal per Chapter 120, and meet with the Tree Warden to preserve the maximum number of mature healthy tree on-site as possible. Such efforts shall be done prior to any clearing of the property.
- 46. The forty (40) inch tree located adjacent to the driveway, shall be preserved post construction. To ensure its preservation, the Applicant shall work with the Tree Warden to aid in the tree's preservation.
- 47. All ground utility equipment shall be screened to buffer noise and decrease the visual impacts of such infrastructure.

M. Special Provisions/Periodic Conformance Reporting and Review

- 48. The Applicant shall provide the following performance guarantees for the Project.
 - a. Upon completion of the Project and prior to the request for a Certificate of Occupancy, the Applicant shall provide the Planning Board with an "As Built Plan" stamped by a Professional Engineer registered in the Commonwealth of Massachusetts certifying that all improvements are completed in accordance with the approved Site Plans in a form acceptable to the Lexington Engineering Division.
 - b. The as-built plan shall be submitted in both hard copy and electronic formats (PDF and AutoCAD) to the Lexington Engineering Division for certification. The AutoCAD file must conform to the current form of the Mass GIS Standard for Digital Plan Submission to Municipalities or other standard requested by the Lexington Engineering Division. The

plan shall include, but not be limited to, site utility improvements and tie-in dimensions to all pipes and connection points. The as-built information shall be delivered to Planning Office a minimum of five (5) business days in advance of the Applicant seeking a Certificate of Occupancy sign-off to allow time for the Town Engineer, or designee to review and approve the submitted information. The Applicant shall also submit a statement certifying that all conditions of approval of this decision have been met and site improvements are complete.

49. Mailboxes shall be located either at each individual house or a central location when driving into the project. If mailboxes are grouped together, that shall be within a shelter structure.
50. All utilities shall employ energy efficient devices and techniques in accordance with the State Building Code, which may include but is not limited to Energy Star, LED lighting, etc.



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MICHAEL LEON, ASSOCIATE MEMBER

VOTE

The Planning Board voted five (5) in favor, zero (0) opposed, and zero (0) in abstention to grant an approval with conditions for the Definitive Residential, Site Sensitive Application as amended for the property at 53 Hancock Street

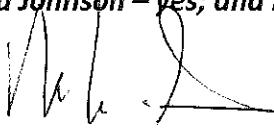
Special Permit Residential Development, Site Sensitive

Robert Creech yes
Robert Peters. yes
Ginna Johnson.yes
Richard Canaleyes
Charles Hornig yes

RECORD OF VOTE

On May 13, 2020, made the following motion and voted to allow the Planning Board Chair sign the Decision.

Charles Hornig moved that the Planning Board vote to allow the Chair of the Planning Board to sign all documents for the Planning Board during the COVID State of Emergency. Robert Peters seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll Call: Robert Peters – yes; Charles Hornig – yes; Richard Canale – yes; Ginna Johnson – yes; and Robert Creech – yes). MOTION PASSED

Signature of the Chair: 

Date: 3 August 2020

EXHIBITS

Not attached unless indicated

The Applicant has filed with the Planning Board various plans and reports required under the requirements of the Lexington Zoning Bylaws and Planning Board Zoning Regulations. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various municipal departments that reviewed the Project. All of these plans, reports and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference.

- Definitive Subdivision Plan, 53 Hancock Street, Site Sensitive Development, Lexington, MA, Dated January 31, 2020, prepared for Max Schecher, Trustee, Hancock & Hayes Realty Trust of West Newton, MA
 - 53 Hancock Street, Project Summary
 - Form B – General Application for Approval of a Plan for Development, dated January 31, 2020
 - Form G-CE: Designer's Certificate Civil Engineer, dated January 31, 2020
 - Form G-LA: Designer's Certificate Landscape Architect, dated February 4, 2020
 - Form G-LS: Designer's Certificate Land Surveyor, dated January 31, 2020
 - Drainage Analysis, 53 Hancock Street, Lexington, MA, dated January 31, 2020, prepared by Frederick W. Russell, P.E.
- Site Plan for the project at 53 Hancock Street, stamped by James Keenan of Kennan Survey, Winchester, MA and Frederick Russell, P.E., dated January 31, 2020, revised through July 20, 2020
 - Plan Sheet 1: Locus Context Plan
 - Plan Sheet 2: Site Analysis Plan
 - Plan Sheet 3: Proof Plan
 - Plan Sheet 4: Site Sensitive Development Property Rights Plan
 - Plan Sheet 5: Site Sensitive Development Site Construction Plan
 - Plan Sheet 6: Site Sensitive Development Landscape Plan
 - Plan Sheet 7: Site Sensitive Development Site Utilities Plan
 - Plan Sheet 8: Site Sensitive Construction Details Plan
- Site Sensitive Layout, 53 Hancock Street, Lexington, MA (Architectural Renderings), prepared by DNA Architecture, dated February 4, 2020
- Concept Plans from March 25, 2020 public hearing
- Concept Plan from April 12, 2020 public hearing
- Lot Layout Plan, revised through June 2, 2020
- Drainage Analysis, 53 Hancock Street, Lexington, MA, prepared by Frederick W. Russell, P.E., dated January 31, 2020, revised on June 5, 2020
- Fire Truck Plans, dated June 2, 2020
- Driveway adjustment to save tree plan, dated June 10, 2020
- Lot 4, two car garage plan, dated June 10, 2020

- Driveway entrance plan, dated June 30, 2020
- Driveway entrance with Fire Truck template, dated June 30, 2020
- Lot 5 Elevation, dated July 1, 2020
- Lot 6, Elevation, dated July 1, 2020
- Lot 4, Garage, dated July 1, 2020
- Hancock Perspective 1 Photo, dated July 1, 2020
- Hancock Perspective 2 Photo, dated July 1, 2020

The Planning Board received corresponded various municipal Departments who review the Project, and has been incorporated herein by reference.

- Legal Ad for the project at 53 Hancock Street, advertised in the Minuteman Newspaper on February 27, 2020 and March 5, 2020, for the opening public hearing on March 18, 2020
- Staff Memo from the Lexington Planning Office, RE: Approval Not Required (ANR) in Regards to 53 Hancock Street, dated December 17, 2019
- Staff Memo from the Lexington Planning Office, Re: Project Review for 53 Hancock Street; Site Sensitive Special Permit Residential Development, dated March 13, 2020, revised through July 7, 2020
- Email of comments from the Engineering Department, Subject: FW: engineering 53 Hancock, dated March 25, 2020